

27 January 2021

SAFEGUARDING POLICY: THE MARSHALL COMMISSION

CONTENTS

1. Purpose
2. Definitions
3. Scope
4. Policy Statement
5. The Commission's Responsibilities
6. The Responsibilities of Personnel
7. Reporting a Concern
8. Associated Policies
9. Glossary of Terms

PURPOSE

The purpose of this policy is to protect everyone coming into contact with the Marshall Aid Commemoration Commission (the Marshall Commission) including:

- Marshall Scholars/Marshall Sherfield Fellows¹
- Children and young people²
- At risk adults³
- Other participants at events or recipients of assistance⁴
- Secretariat Staff and Associated Personnel⁵
- Marshall Commissioners⁶

from any harm caused due to the Marshall Commission, its people and activities whether deliberate or inadvertent. This includes harm arising from:

- The conduct of Secretariat Staff and Associated Personnel
- The conduct of Marshall Commissioners
- The conduct of Marshall Scholars and Marshall Sherfield Fellows
- The design and implementation of the Marshall Commission activities and events
- The operation of the Marshall Commission's internal systems

The policy lays out our commitment to building a strong safeguarding culture with a zero tolerance of abuse and exploitation, along with a commitment to maintain effective methods for reporting and responding to issues that arise.

It informs the above groups of their responsibilities in relation to safeguarding and outlines the responsibilities of the Commission itself in achieving this goal.

The policy recognises the distinct and diverse nature and responsibilities of the constituent parts of the Commission- including its Scholars/Fellows, Commissioners and Secretariat.

The policy provides an overall safeguarding framework for the Commission and in addition outlines clearly the relevant routes for reporting and responding to concerns as they apply to Secretariat Staff/ Commissioners and Scholars/Fellows.

DEFINITIONS

SAFEGUARDING

In the UK, safeguarding, in general terms, means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect

Safeguarding within the Marshall Commission aligns with this and is specifically defined as:

¹ See Definitions

² See Definitions

³ See Definitions

⁴ See Definitions

⁵ See Definitions

⁶ See Definitions

- Preventing and responding to harm caused by the abuse of power, position and opportunity within the Commission. This includes sexual exploitation, abuse, harassment or bullying upon both the people the Commission aims to support, and also those who engage with the Commission in any capacity.
- It is therefore our means of protecting all people, and particularly the most vulnerable in our society (such as children and at-risk adults), from harm that may arise from contact with our secretariat staff, associated personnel, commissioners, scholars/fellows, or at our activities and events.
- It is the duty of care we extend to all of the above as well as others who come into contact with the Commission and our people.
- This duty of care requires that any partners and contractors acting on our behalf also apply a similar safeguarding duty of care.
- The Commission expects that the academic institutions which host scholars/fellows exercise effective safeguarding systems to protect those studying and working within their institutions.

A Child is defined as:

- A person below the age of 18

Secretariat Staff and Associated Personnel

- Secretariat Staff are employed (under the Administration Contract with the Marshall Commission) by the Association of Commonwealth Universities (ACU) to act as the Secretariat for the Commission
- Associated Personnel are representatives of the Marshall Commission other than Secretariat Staff and Commissioners. For example, consultants, volunteers, contractors, visitors (such as journalists, celebrities and politicians).

Commissioners

Commissioners are voluntary public appointees. The Marshall Aid Commemoration Commission is an executive non-departmental public body sponsored by the Foreign Commonwealth and Development Office.

Marshall Scholars and Marshall Sherfield Fellows

- US citizens whose presence in the U.K. has been facilitated by the Marshall Commission and who have been awarded a U.K. Government scholarship in order to undertake postgraduate or post-doctoral study in the U.K.

At Risk or Vulnerable Adults

- An at risk or vulnerable adult is anyone aged 18 and over who is experiencing, or at risk of abuse or neglect and is unable to protect themselves against significant harm or exploitation.

SCOPE

This policy applies to:

- Secretariat Staff
- Marshall Commissioners
- Associated Personnel whilst engaged with work or visits related to the Marshall Commission, including but not limited to the following: selection committees; Embassy and Consular Staff; members of the AMS; consultants; volunteers; contractors and visitors including for example journalists, celebrities and politicians.
- Marshall Scholars and Marshall Fellows

This policy applies at all times, within and outside work hours and in all settings.

POLICY STATEMENT

The Marshall Commission aims to promote the personal and academic fulfilment of our Scholars and Fellows.

We believe that everyone who comes into contact with the Commission itself and our Scholars/Fellows, regardless of age, gender identity, nationality, disability, sexual orientation or ethnic origin, has the right to be protected from all forms of harm, harassment, abuse, neglect and exploitation.

The Marshall Commission does not tolerate abuse and exploitation and expects that everyone associated with the Commission will maintain an appropriate level of awareness of what is required in terms of behaviour and the reporting of concerns.

This policy particularly addresses the following areas of safeguarding: the abuse of power, position and opportunity; child safeguarding; adult safeguarding; sexual harassment, bullying and protection from sexual exploitation and abuse; modern slavery and trafficking. The policy should be considered alongside the Scholar's Disciplinary Code and other related policies which also address some of these issues and are listed below.

THE COMMISSION'S RESPONSIBILITIES

In accordance with the organisation's values and mission, the Marshall Commission commits to building an effective safeguarding culture by addressing the issue across its work, through the four themes of Awareness, Prevention, Reporting and Response.

We will:

- Ensure all Secretariat Staff, Commissioners Associated Personnel and Scholars/fellows have access to, are familiar with, and know their responsibilities in relation to this Safeguarding Policy
- Design, risk assess and undertake all our activities and events in a way that protects people from any risk of harm that may arise from their coming into contact with the Marshall Commission. This includes for example, the way in which information about individuals is gathered and communicated and the way in which events and activities are organised
- Implement stringent safeguarding approaches in our recruitment and appointment procedures

- Appoint a designated senior safeguarding officer within the Secretariat and a Commissioner at Board level with a lead safeguarding role in order to exercise appropriate risk assessment, governance and accountability in this area
- Ensure Secretariat Staff and Commissioners receive safeguarding training at a level commensurate with their role in the organization
- Ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to those within and without the Marshall Commission.
 - For issues raised by Secretariat Staff and Commissioners, this involves reporting through ACU procedures or where appropriate to a designated Commissioner.
 - For issues raised by scholars and Fellows this involves reporting through the relevant university procedures or where appropriate through the Marshall Commission's procedures.
- Follow up on reports of safeguarding concerns promptly and respond according to due process, policy and procedure, and legal and statutory obligations
- Ensure that scholars/fellows are provided with, understand and agree to abide by, the requirements and standards of the safeguarding policy and code of conduct

In carrying out these responsibilities the following should also be noted:

- The Marshall Commission facilitates academic study within UK Higher Education institutions by US nationals by awarding scholarships. The Commission is not responsible for the safeguarding arrangements within those institutions which host Scholars/Fellows. The duty of care rests with the hosting university or institution.
- The Marshall Commission is responsible for ensuring that Scholars/Fellows are made aware that the universities have their own safeguarding responsibilities, reporting systems and support. It is the Scholars/Fellows responsibility to familiarise themselves with the appropriate procedures at their hosting university or institution.
- The Marshall Commission will exercise appropriate duty of care in ensuring that such systems have been observed in relation to its Scholars and Fellows.
- The Marshall Commission will apply appropriate disciplinary measures to anyone found in breach of policy
- The Marshall Commission will offer advice and support to survivors of harm caused by any of its representatives
- The Marshall Commission will undertake to maintain secure and confidential records of concerns raised.

SAFEGUARDING RESPONSIBILITIES OF SECRETARIAT STAFF, COMMISSIONERS, ASSOCIATED PERSONNEL, SCHOLARS AND FELLOWS

Everyone associated with the Marshall Commission is responsible for ensuring the highest standards of behaviour towards others. Marshall Commission Secretariat Staff, Commissioners and Associated Personnel, Scholars/Fellows must not cause harm through the abuse of their power, influence, position and opportunity. This includes but is not exclusive to the following areas:

Child safeguarding

They must not:

- Engage in sexual activity with anyone under the age of 18
- Sexually abuse or exploit children
- Subject a child to physical, emotional or psychological abuse, or neglect
- Engage in any commercially exploitative activities with children including child labour, modern slavery or trafficking

Adult safeguarding

They must not:

- Sexually abuse or exploit at risk adults
- Subject an at-risk adult to physical, emotional or psychological abuse, or neglect
- Engage in any commercially exploitative activities including modern slavery or trafficking

Protection from sexual exploitation and abuse

They must not:

- Exchange assistance and advancement to beneficiaries, scholars/fellows in return for sexual activity
- Engage in any sexual relationship based on inherently unequal power dynamics. This would include for example, those between Secretariat Staff or Commissioners and Scholars/Fellows,

Sexual Harassment and Harassment

They must not:

- Undertake unwanted conduct of a sexual nature that makes another person feel intimidated, degraded, humiliated or offended.
- Harass or bully another person causing alarm or distress

Additionally, they must:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy
- Make themselves aware of their own responsibilities within this policy
- Report any concerns or suspicions regarding safeguarding violations according to the appropriate reporting procedures

REPORTING A CONCERN

What to report

Anyone who has a complaint or concern relating to a safeguarding issue (as outlined in Section 2 of this policy - Definitions), should report it immediately.

This includes any of the following examples :

- Child abuse
- Sexual harassment
- Sexual exploitation
- bullying

- cyberbullying
(n.b. This is not an exhaustive list)

How to report a safeguarding concern

This should be done via the relevant safeguarding reporting mechanism.

For Scholars/Fellows For any issue that arises within or in connection with the university at which the Scholar/Fellow is studying then the first point of contact should be through the relevant university channels. Each university has its own established methods such as phonelines, complaints email addresses, safeguarding officers or safeguarding focal points.

For safeguarding issues that concern contact with other Scholars, the first point of contact should be to one of the two Marshall Commission Safeguarding Champions (see below).

For safeguarding issues that relate to behaviour by any Commissioner, or by Commission appointees, including Secretariat Staff, the first point of contact should be to the Marshall Commissioner with Safeguarding Responsibility or to the Chair of the Marshall Commission

For Commissioners, reports should be made to the Marshall Commissioner Safeguarding Champion (see below) or to the Chair of the Marshall Commission. If this channel is inappropriate, for example if the complaint relates to one or both of those individuals then reports should be made to the FCDO Safeguarding Officer (details below)

For Secretariat Staff reports regarding the behaviour of a Commissioner should be made to the Marshall Commissioner with Safeguarding Responsibility (see below) and to the ACU Safeguarding Officer

For Others the relevant reporting route is either to the Marshall Commission Safeguarding Champion or to the Chair of the Marshall Commission

If the person making the complaint does not feel comfortable reporting to the contact point designated here (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other Commissioner

The Marshall Commission will also accept complaints from external sources such as members of the public, partners and official bodies.

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only and should be kept secure at all times.

CONTACTS FOR THE MARSHALL COMMISSION SAFEGUARDING CHAMPIONS

Secretariat

Mary Denyer

Head of Scholarship Administration MACC

Mary.denyer@acu.ac.uk

Caroline Harrison

Executive Secretary MACC

Caroline.harrison@acu.ac.uk

Commissioner with Safeguarding Responsibility

Adrian Greer

Adrian.Greer@marshallscholarship.org

FCDO Safeguarding Officer

Special Investigations Team

reportingconcerns@fcdo.gov.uk

ASSOCIATED POLICIES

Scholar Disciplinary Code

Marshall Commission Complaints Policy

Glossary of Terms

Beneficiary of Assistance

Someone who directly receives goods or services from the Marshall Commission's programme. Note that misuse of power can also apply to the wider community that the NGO serves, and also can include exploitation by giving the perception of being in a position of power.

Child

A person below the age of 18

Cyberbullying

Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behaviour.

The most common places where cyberbullying occurs are:

- Social Media, such as Facebook, Instagram, Snapchat, and Tik Tok
- Text messaging and messaging apps on mobile or tablet devices
- Instant messaging, direct messaging, and online chatting over the internet
- Online forums, chat rooms, and message boards, such as Reddit
- Email
- Online gaming communities

Harm

Psychological, physical and any other infringement of an individual's rights

Psychological harm

Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation

Protection from Sexual Exploitation and Abuse (PSEA)

The term used to refer to the prevention of sexual exploitation and abuse of beneficiaries by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

Safeguarding

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect⁷

In our setting, we understand it to mean protecting people, including children and at-risk adults, from harm that arises from coming into contact with our staff, associated personnel, scholars/fellows or activities.

Safeguarding means taking all reasonable steps to prevent harm, by applying a framework of awareness raising, prevention, reporting of concerns and responding expeditiously and appropriately.

Effective Safeguarding draws from our organization's values and principles and shapes our culture. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

Safeguarding applies consistently and without exception across our activities, staff and associated personnel and our scholars/fellows. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialize. Those systems must be survivor-centered and also provide protection and due process for those against whom a complaint has been lodged.

Safeguarding puts beneficiaries and survivors at the center of all we do.

Sexual abuse

The term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation

The term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

Sexual Harassment and Harassment

Sexual harassment is defined as unwanted conduct of a sexual nature that makes another person feel intimidated, degraded, humiliated or offended

Harassment is defined as behaviour causing another person causing alarm or distress

Survivor

The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

At risk adult

Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Social media

The following outlines the types of content that must not be published or associated with the Marshall Commission or Scholarships. Anything that may be seen as abusive, obscene, indecent, or offensive.

This includes:

- Publishing offensive or derogatory content relating to sex, gender, race, nationality, disability, sexual orientation, religion/beliefs, age, or any other such trait
- Publishing content that is insulting, hateful, defamatory, threatening, discriminatory, or pornographic
- Behaving in a bullying, intimidating, or harassing manner towards other users, organisations, or page administrators
- Contains, or alludes to, unlawful material
- Encourages anyone to act in contravention of the terms of their award
- Constitutes spam or promotes or advertises products that have little relevance to the spirit and purpose of the group
- Associates the Marshall Commission, the AMS, the FCO, or the British or US Embassy, or universities with personal views or comments